



## Laos

### Country Reports on Human Rights Practices - [2002](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
March 31, 2003

The Lao People's Democratic Republic is an authoritarian, Communist, one-party state ruled by the Lao People's Revolutionary Party (LPRP). Although the 1991 Constitution outlines a system composed of executive, legislative, and judicial branches, in practice the LPRP continued to control governance and the choice of leaders at all levels through its constitutionally designated "leading role." In February national elections were held to select a new 109-person National Assembly, and at its inaugural session in April, the Assembly reelected the President and ratified the President's selection of a prime minister and cabinet. The judiciary is subject to executive influence.

The Ministry of Public Security (MOPS, formerly known as the Ministry of Interior) maintains internal security but shares the function of state control with the Ministry of Defense's security forces and with party and popular fronts (broad-based organizations controlled by the LPRP). The Ministry of Foreign Affairs, with MOPS support, is responsible for oversight of foreigners. The MOPS includes local police, immigration police, security police (including border police), and other armed police units. Communication police are responsible for monitoring telephone and electronic communications. The armed forces are responsible for external security but also have some domestic security responsibilities that include counterterrorism and counterinsurgency activities and control of an extensive system of village militias. Civilian authorities generally maintained effective control over the security forces. Some members of the security forces committed serious human rights abuses.

Laos is an extremely poor country with an estimated population of 5.5 million. The economy is overwhelmingly agricultural, with 85 percent of the population engaged in subsistence agriculture. The sharp income inequality between participants in the monetary economy and those in the subsistence economy is demonstrated by the fact that the mean annual income is about \$335 and the per capita gross domestic product about \$1,700. Since 1986 the Government has abandoned most of its socialist economic policies in favor of market-based ones. It officially welcomes foreign investment, and is gradually strengthening its legal framework, including laws to protect property rights, but the domination of the state-owned banks and enterprises and a reluctance to embrace far-reaching reforms have slowed the process. The country is heavily dependent on official foreign aid and on remittances from Lao living abroad.

The Government's human rights record remained poor, and it continued to commit serious abuses. Citizens do not have the right to change their government. Members of the security forces abused detainees, especially those suspected of insurgent or antigovernment activity. Prisoners were abused and tortured, and prison conditions generally are extremely harsh and life threatening. Police used arbitrary arrest, detention, and surveillance. Lengthy pretrial detention and incommunicado detention were problems. The judiciary was subject to executive, legislative, and LPRP influence, was corrupt, and did not ensure citizens due process. The Government infringed on citizens' privacy rights. The Government restricted freedom of speech, the press, assembly, and association. The Government continued to restrict freedom of religion, and police and provincial authorities arrested and detained more than 60 members of Christian churches, with 4 members of religious communities in custody or incarcerated for their religious beliefs at year's end. Unlike in previous years, there were no reports of forced renunciations of faith involving profane rituals such as drinking animal blood, although there were isolated reports from some areas that ethnic minority Protestant communities continued to be pressured to renounce their faith. Authorities in some provinces allowed Christian communities to reopen churches that had previously been closed, and in July the Government issued the Decree on the Administration and Protection of Religious Practice aimed at providing guidelines to both religious groups and authorities on permissible religious activities. The Government imposed some restrictions on freedom of movement. Societal discrimination against women and minorities persisted, although the Government actively supported a policy of encouraging greater rights for women, children, persons with disabilities, and minorities. The Government restricted some worker rights. Trafficking in women and children was a problem.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports of politically motivated killings by government officials during the year. There were unconfirmed reports of deaths of Hmong villagers in connection with security force operations against insurgents in remote parts of Saisomboun Special Zone and in Xieng Khouang, Vientiane, and Bolikhamsai Provinces.

Small bands of Hmong insurgents, known as the "Chao Fa," launched several attacks against government and civilian targets during the year, with sporadic insurgent attacks on military posts reported during the January-May dry season. In March suspected insurgents shot at a low-flying military aircraft in Xieng Khouang Province, killing a policeman and injuring a pilot. In June insurgents raided villages in Vientiane Province but reportedly caused no casualties. According to Lao press reports, six of the attackers were killed, and a seventh subsequently died in Thailand of wounds received in the attack.

In September two men threw an explosive device into a crowd of people gathered for a religious ceremony at a Buddhist temple in Vientiane, seriously injuring a young child. According to subsequent police reports, both suspects were apprehended at the scene of the attack. Although officials stated the attack was the result of a "dispute" between youth groups, there were credible indications the attack was politically motivated.

#### b. Disappearance

There were no confirmed reports of politically motivated disappearances during the year.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution and the Penal Code prohibit torture; however, in practice members of the security forces subjected prisoners to torture and other abuses. Credible sources reported that detainees sometimes were subjected to beatings, long-term solitary confinement in completely darkened rooms, and burning from cigarettes. In some cases detainees were held in leg chains or wooden stocks. During the year, several persons arrested for religious activity were held in wooden stocks or shackles for part of their confinement. At least one religious detainee was seriously beaten by authorities while under detention.

Prison conditions generally were extremely harsh and life threatening. Food rations were minimal, and most prisoners relied on their families for their subsistence. The Government discriminates in its treatment of prisoners, restricting the family visits of some and prohibiting visits to a few. Credible reports indicated that ethnic minority prisoners and some foreign prisoners were treated particularly harshly. Prison authorities used degrading treatment, solitary confinement, and incommunicado detention against perceived problem prisoners, especially suspected insurgents. On occasion the authorities used incommunicado detention as an interrogation method; in isolated cases, this was life threatening when prisoners were detained in such conditions for lengthy periods. There were confirmed reports that a few jails placed prisoners in leg chains, wooden stocks, or fixed hand manacles for extended periods (see Section 2.c.). Medical facilities were extremely poor or nonexistent. Some prisoners died as a result of abusive treatment and lack of medical care. Prison conditions for women were similar to those for men. Prisons hold both male and female prisoners, although they were placed in separate cells. Juveniles were housed together with adult prisoners.

Several international human rights groups continued their longstanding requests to the Government to move two political prisoners to a prison with better conditions, including more modern medical facilities (see Section 1.e.). The Government continued to ignore these pleas, as well as other representations regarding use of torture and abusive treatment.

The Government has provided limited access to some detention facilities to Lao U.N. personnel monitoring the status of juveniles in the prison system; however, the Government generally did not permit independent monitoring of prison conditions, including by foreign individuals or organizations, and has denied the International Committee of the Red Cross access to its prisons.

#### d. Arbitrary Arrest, Detention, or Exile

The law provides for arrest warrants issued by the prosecutor, and the Constitution provides for procedural safeguards; however, in practice the Government did not respect these provisions, and arbitrary arrest and detention remained problems. Police sometimes used arrest as a means of intimidation or to extract bribes. Police exercised wide latitude in making arrests, relying on exceptions to the requirement for arrest warrants for those in the act of committing a crime or for "urgent" cases. Incommunicado detention was a problem (see Section 1.c.). There is a 1-year statutory limit for detention without trial; the length of detention without a pretrial hearing or formal charges by law also is limited to 1 year; however, these limits often were ignored in practice. The Office of the Prosecutor General must authorize police to hold a suspect pending investigation. Authorization is given in 3-month increments, and, in theory, after a maximum of 1 year, a suspect must be released if police do not have sufficient evidence to bring charges. Access to family or a lawyer is not assured. There is a bail system, but its implementation was arbitrary. A statute of limitations applies to most crimes. In practice, alleged violations of criminal laws involving national security led to lengthy pretrial detentions without charge and minimal due process protection of those detained. Authorities sometimes continued to detain prisoners after they had completed their sentences, especially in cases where prisoners were unable to pay court fines.

During the year, government authorities arrested and detained more than 60 Christians, at times holding them in custody for months (see Section 2.c.). According to confirmed reports, those detained without trial at year's end for

their religious activities included one person in Phongsaly and one person in Houaphanh; one person detained in Savannakhet was released in December. Seven lowland Lao men who returned from China have been detained without trial since 1997. An eighth member of this group was released in 2001.

Some sources reported that in June authorities in Vientiane Province arrested six Hmong villagers in Muang Feuang district, reportedly because of suspicion that the six had some involvement with antigovernment insurgents.

Police in some instances administratively overruled court decisions, at times detaining a defendant exonerated by the court, in violation of the law (see Section 1.e.). There were no known instances of the police being reprimanded or punished for such behavior.

An unknown number of persons, perhaps over 100, were in detention for suspicion of violations of criminal laws concerning national security. Security-related laws were sometimes applied to routine criminal actions to justify long periods of incarceration without trial.

The Government does not use forced exile; however, a small group of persons who fled the country at the time of the change in government in 1975, and who were tried in absentia for antigovernment activities, does not have the right of return (see Section 2.d.).

#### e. Denial of Fair Public Trial

The Constitution provides for the independence of the judiciary and the prosecutor's office; however, senior government and party officials influenced the courts, although perhaps to a lesser degree than in the past. Impunity was a problem, as was corruption. Many observers reported that judges can be bribed. The National Assembly Standing Committee appoints judges for 5-year terms; the executive appoints the Standing Committee. The Assembly may remove judges from office for "impropriety." Since 1991 one judge at the district level has been removed for improper behavior.

The People's Courts have three levels: District; municipal and provincial; and a Supreme Court. Decisions of the lower courts are subject to review by the Supreme Court, but decisions by military courts are not subject to the Supreme Court's review. Both defendants and prosecutors in civilian courts have the right to appeal an adverse verdict. There are instances in which civilians may be tried in the military courts, but this reportedly was rare.

The Constitution provides for open trials in which defendants have the right to defend themselves with the assistance of a lawyer or other person. The Constitution requires that the authorities inform persons of their rights. The law states that defendants may have anyone assist them in preparing a written case and accompany them at their trial; however, only the defendant may present oral arguments at a criminal trial. For several reasons, including lack of funds, a near absence of attorneys, and a general perception that attorneys cannot affect court decisions, most defendants did not have attorneys or trained representatives. In theory, under the law defendants enjoy a presumption of innocence; however, in practice trial judges usually decided a defendant's guilt or innocence in advance, basing their decisions on the result of police or Prosecutor's Office reports. Reliance on these reports created a presumption that the defendant was guilty. Most trials were little more than pro forma examinations of the accused, with a verdict having already been reached. Most criminal trials reportedly ended in convictions. Defendants sometimes were not permitted to testify on their own behalf. Trials for alleged violations of some criminal laws relating to national security and trials that involve state secrets, children under the age of 16, or certain types of family law, are closed.

Most of the country's 450 judges had only basic legal training, and many had few or no references upon which to base their decisions. The National Assembly's Law Committee routinely reviewed Supreme Court decisions for "accuracy" and returned cases to the Court or the Prosecutor General's Office for review when it felt a decision had been reached improperly.

In some instances, police administratively overruled court decisions, at times detaining a defendant exonerated by the court, in violation of the law.

In addition to the hundreds of short- and long-term political detainees (see Section 1.d.), there were nine known political prisoners. Two prisoners from the pre-1975 regime, Colonel Sing Chanthakoumane and Major Pang Thong Chokbengvoun, were serving life sentences after trials that did not appear to be conducted according to international standards. Two former government officials, Latsami Khamphoui and Feng Sakchittaphong, were detained in 1990 for advocating a multiparty system and criticizing restrictions on political liberties and were not tried until 1992. They were serving 14-year sentences based on their 1992 convictions. Five persons arrested in October 1999 for attempting to organize a prodemocracy demonstration in Vientiane were sentenced to 20 years' imprisonment for antigovernment activities in a closed trial; they were incarcerated in Vientiane at year's end.

Other political prisoners may have been arrested, tried, and convicted under laws relating to national security that prevent public court trials; however, the Government is silent on the matter, and there is no reliable independent method to ascertain accurately their total number. There have been no verifiable reports of other political prisoners in the last few years.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Government limits citizens' privacy rights, and the Government's surveillance network is vast. Security laws allow the Government to monitor individuals' private communications (including e-mail) and movements. However, some personal freedoms accorded to citizens expanded along with the liberalization of the economy.

The Constitution prohibits unlawful searches and seizures; however, police at times disregarded constitutional requirements to safeguard citizens' privacy, especially in rural areas. By law security police may not authorize their own searches; they must have approval from a prosecutor or court; however, in practice police did not always obtain prior approval. The Penal Code generally protects privacy, including that of mail, telephone, and electronic correspondence; however, the Government often violated such legal protections.

MOPS monitored citizens' activities; in addition, an informal militia in both urban and rural areas, operating under the aegis of the military, has responsibility for maintaining public order and reporting "undesirable elements" to the police. The militia usually was more concerned with petty crime and instances of moral turpitude than with political activism, although some rural militia may be used for security against insurgents. A sporadically active system of neighborhood and workplace committees under the control of the popular front organizations played a similar monitoring role.

Although the Government permitted the public sale of leading foreign magazines and newspapers, restrictions on publications mailed from overseas were enforced, albeit loosely (see Section 2.a.). The Government allowed citizens to marry foreigners but only with prior approval. Although the Government routinely granted permission, the process was lengthy and burdensome. Marriages to foreigners without government approval may be annulled, with both parties subject to arrest or fines. During the year, at least one foreign person was separated from his citizen wife and their child and deported (see Section 2.d.).

The Government displaced internally hundreds of persons during the year, mainly as a result of infrastructure development programs. During the year, hundreds of families were relocated from downtown Vientiane to make way for a new city park. Although the Government provided compensation to displaced persons in the form of land and household supplies, this compensation was often inadequate.

Local officials in Kasi district of Vientiane Province and Khamkeut district of Bolikhamxai Province reportedly forced a number of Christians out of their villages because they had refused to change their religious beliefs (see Section 2.c.).

There are three Internet service providers. The Prime Minister's Office has stated that it intends to monitor and control more actively Internet communications by the country's 3,200 subscribers. However, most Internet sites, including those critical of the Government, were accessible to users. Vientiane and most larger towns had numbers of Internet cafes that catered primarily to foreign travelers but were also accessible to citizens.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government severely restricted political speech and writing in practice. The Government also prohibited most criticism that it deems harmful to its reputation. The Penal Code forbids slandering the State, distorting party or state policies, inciting disorder, or propagating information or opinions that weaken the State. Citizens who lodged legitimate complaints with government departments generally did not suffer reprisals, but criticism of a more general nature, or targeting the leadership, may lead to arrest.

All domestic print and electronic media were state-owned and controlled. Local news in all media reflected government policy. Television talk shows and opinion articles referred only to differences in administrative approach. Although domestic television and radio broadcasts were closely controlled, the Government made no effort to interfere with television and radio broadcasts from abroad. In practice many citizens routinely watched Thai television or listened to Thai radio, including news broadcasts. A few Asian and Western newspapers and magazines were available through private outlets that had government permission to sell them.

Foreign journalists must apply for special visas. Although such visas normally were granted, persons traveling on journalist visas were restricted in their activities. The authorities did not allow journalists free access to information sources or to travel without official escort. In addition, they must pay a daily fee for the services of their escort.

The authorities also prohibited the dissemination of materials deemed to be indecent, to undermine the national culture, or to be politically sensitive. Any person found guilty of importing a publication deemed offensive to the "national culture" faces a fine or imprisonment for up to 1 year. Until July the Government did not permit the printing of non-Buddhist religious texts or their distribution outside a congregation and restricted the import of foreign religious texts and artifacts. A new Prime Ministerial Decree issued in July, however, allows for the printing and distribution of religious material, providing the authorities first grant permission (see Section 2.c.).

Films and music recordings produced in government studios must be submitted for official censorship. However, in practice most foreign films and music were easily available in video and compact disc format. Government enforcement of restrictions on nightclub entertainment generally was lax during the year.

Citizens had 24-hour access to Cable News Network and the British Broadcasting Corporation, among other international stations accessible via satellite television. The Government required registration of receiving satellite dishes and a one-time licensing fee for their use, largely as a revenue-generating scheme, but otherwise made no effort to restrict their use.

The Government controlled all domestic Internet servers and occasionally blocked access to those Internet sites that were deemed pornographic or were critical of government institutions and policies. The Government also sporadically monitored e-mail. In October 2000, the National Internet Control Committee promulgated highly restrictive regulations regarding Internet use by citizens. The regulations significantly curtailed freedom of expression and made "disturbing the peace and happiness of the community" and "reporting misleading news" criminal acts. In addition, in 2001 the Prime Minister's Office issued orders consolidating government control over Internet service (see Section 1.f.). However, the Government in the past was limited in its ability to enforce such regulations.

The Constitution provides for academic freedom; however, the Government restricted it, although over the past several years it has relaxed its restrictions in certain areas. Both citizen and noncitizen academic professionals conducting research in the country may be subject to restrictions on travel and access to information and to Penal Code restrictions on publication. As the sole employer of virtually all academic professionals, the Government exercised some control over their ability to travel on research or to obtain study grants. However, the Government, which once limited foreign travel by professors, actively sought out these opportunities worldwide and approved virtually all such proposals.

In recent years, credible reports have indicated that some state and party officials denied some academically qualified ethnic minorities, including Hmong, opportunities for foreign fellowships and study abroad. This discriminatory behavior went unchecked. On rare occasions in previous years, the Government denied government employees who were not party members permission to accept certain research or study grants, apparently because they had chosen not to join the LPRP. No such cases were known to have occurred during the year.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. The Penal Code prohibits participation in an organization for the purpose of demonstrations, protest marches, or other acts that cause "turmoil or social instability." Such acts are punishable by a prison term of from 1 to 5 years. If defendants are tried for crimes against the State, they may face much longer sentences of up to 20 years or possible execution.

The Constitution provides citizens with the right to organize and join associations; however, the Government restricted this right in practice. The Government registers and controls all associations and prohibits associations that criticize it. Political groups other than popular front organizations approved by the LPRP are forbidden. Although the Government restricted many types of formal professional and social associations, in practice informal nonpolitical groups met without hindrance. The Foundation for Promoting Education, a private voluntary organization in Vientiane Municipality, operated independently under its own charter; however, it reported to the Ministry of Education. The Buddhist Promotion Foundation, a semiprivate group founded in 1998 by the Lao Buddhist Fellowship Association, reported to the LPRP Lao Front for National Construction, an LPRP popular front organization responsible for overseeing all religions.

#### c. Freedom of Religion

The Constitution provides for freedom of religion; however, the authorities, particularly at the local level, interfered with this right in practice.

The Constitution prohibits "all acts of creating division of religion or creating division among the people." The LPRP and the Government apparently interpreted this section as inhibiting religious practice by all persons, including the Buddhist majority and a large population of animists. Although official pronouncements acknowledged the positive benefits of religion, they also emphasized its potential to divide, distract, or destabilize.

In July the Prime Minister's Office issued a Decree on the Administration and Protection of Religious Practice. The decree, which has the effect of law, was designed to specify clearly the range of activities permitted religious groups or practitioners. The decree permits minority religious groups to engage in a number of activities that had previously been considered by most authorities to be illegal, such as proselytizing and printing religious material. However, it requires religious groups or individuals to obtain permission in advance for these activities, in most cases from the Lao Front for National Construction, the party-controlled organization that oversees religious issues on behalf of the Government. Although most religious leaders were hopeful that the new decree would lead to increased religious freedom, some were concerned that its requirements for advance permission would actually hamper religious activity.

The Constitution notes that the State "mobilizes and encourages" Buddhist monks, novices, and priests of other religions to participate in activities "beneficial to the nation and the people."

During the year, government authorities arrested and detained more than 60 Christians, at times holding them in custody for months. In several cases, the prisoners were handcuffed, detained in leg chains and stocks, and subjected to psychological pressure. At least one detainee was severely beaten while in detention.

In Oudomxay one person was serving a 12-year sentence and another a 15-year sentence at year's end for religious proselytizing, purportedly in coordination with foreigners. Three prisoners serving 3-year terms in Luang Prabang for religious practice found by the courts to be "creating social turmoil" were released in July after completing their sentences.

A campaign begun in 1999 and continuing into early 2001 in some provinces to close churches and force Christians to renounce their faith appeared to have largely dissipated or at least to be confined to just a few districts. Religious leaders reported no incidents of persons being forced by authorities to give up their faith during the year. However, Christians in some areas reported that authorities continued to tell them that Christianity was illegal or that they should give up their faith. A 2-year-old campaign to close churches continued early in the year in some areas. However, as the year progressed, authorities in a number of provinces, including Vientiane, Savannakhet, and Luang Prabang, permitted many churches to reopen. There were no reports of security forces stopping vehicles that carried multiple passengers during Sunday worship hours in order to prevent villagers from traveling to attend worship services as had occurred in the past (see Section 2.d.).

The LPRP controls the Buddhist clergy ("Sangha") in an attempt to direct national culture. Although the state is secular in both name and practice, the Party and the Government pay close attention to Theravada Buddhism, which is followed by more than 60 percent of the population. The Government's observation and control of the training of clergy and support for and oversight of temples and other facilities constituted means for overseeing the dominant Buddhist faith as well as promoting Buddhism as an integral part of the national culture and identity.

There is only one semireligious government-recognized holiday—Boun That Luang—which also is a major political and cultural celebration. However, the Government recognized the popularity and cultural significance of Buddhist festivals, and most senior officials openly attended them. Buddhist clergy were featured prominently at important state and party functions. The Lao Front for National Construction directed the Lao Buddhist Fellowship Association. Since 1996, monks studying at the National Pedagogy School are no longer required to study Marxism-Leninism as part of their curriculum, and the integration of Communist ideology in Buddhist instruction has waned greatly in recent years. Some temples have been permitted to receive support from Theravada Buddhist temples abroad, to expand the training of monks, and to focus more on traditional teachings. In addition, many monks traveled abroad, especially to Thailand, for formal religious training.

The authorities continued to be suspicious of non-Buddhist religious communities, including some Christian groups, in part because these faiths do not share Theravada Buddhism's high degree of direction and incorporation into the government structure. Some authorities criticized Christianity in particular as a Western or imperialist "import" into the country. Local authorities, apparently with encouragement from some officials in the Central Government or Communist Party, have singled out Protestant groups as a target of persecution. Protestant churches' rapid growth over the last decade, their contact with religious groups abroad, aggressive proselytizing on the part of some members, and independence of central government control all have contributed to government and Communist Party suspicion of the churches' activities. The Government strictly prohibited foreigners from proselytizing, although it permitted foreign nongovernmental organizations with religious affiliations to work in the country. Foreign persons caught distributing religious material may be arrested or deported, although no such incidents were known to have occurred during the year. Although there is no legal prohibition against proselytizing by citizens, local officials investigated and harassed citizens who do so, based upon a constitutional provision against "creating division of religion." The Prime Minister's Decree on the Administration and Protection of Religious Practice permits proselytizing, but only if permission is first obtained from government or party authorities.

The Government's tolerance of religion varied by region. In general central government authorities appeared unable or unwilling to control or mitigate harsh measures that were taken by local or provincial authorities against the practices of members of minority religious denominations. Although there was almost complete freedom to worship in a few areas, particularly in the largest cities, government authorities in many regions allowed properly registered religious groups to practice their faith only under restrictive conditions. In some areas, such as Savannakhet, Luang Prabang, and Vientiane Provinces, the authorities continued to arrest and detain some religious believers without charges (see Section 1.d.). There were no reports during the year that local officials in isolated areas monitored and arrested persons who converted to Christianity, as had occurred in the past. Efforts by some officials to force Christians to renounce their faith apparently have ceased in most areas, and there were no reported instances of forced religious renunciation during the year, although Protestants reportedly were forced out of their villages in a few areas because of their unwillingness to renounce their faith (see Section 1.f.). Followers of Islam and the Baha'i faith were able to practice their religion without hindrance from authorities.

In some parts of the country, particularly the south, the authorities generally tolerated diverse religious practices; however, a pattern of petty local harassment persisted in other areas. Many converts must undergo a series of harsh government interviews; however, after overcoming that initial barrier, they generally were permitted to practice their new faith unhindered. Members of long-established congregations had few problems in practicing their faith; however, some churches established a century ago continued to be subjected to harassment and closure by local government officials in Savannakhet. Many groups of coreligionists seeking to assemble in a new location were prevented from meeting, practicing, or celebrating major religious

festivals.

The authorities sometimes advised new congregations to join other religious groups with similar historical roots, despite clear differences between the groups' beliefs. Some groups did not submit applications to establish places of worship because they did not believe that their applications would be approved. In recent years, some minority religious groups have reported that they were unable to register new congregations or receive permission to establish new places of worship, including in Vientiane.

The Roman Catholic Church is unable to operate effectively in the highlands and much of the north, and the Catholic Church in northern Laos is largely moribund. The small Catholic communities in Luang Prabang, Sayaboury, and Bokeo Provinces sporadically held services in members' homes, but there are no priests resident in the area and pastoral visits from Vientiane were infrequent. However, the church has an established presence in five of the most populous central and southern provinces, where Catholics were able to worship openly. There were three official bishops, one each in Vientiane, Thakhek, and Pakse, as well as a fourth bishop for Luang Prabang whose position had not been approved by the country's authorities and who resided in Vientiane.

Between 250 and 300 Protestant congregations conduct services throughout the country. The Lao National Front for National Construction has recognized two Protestant groups: The Lao Evangelical Church (the umbrella Protestant church) and the Seventh-Day Adventist Church. Nominally all Protestant congregations in Laos belonged to one of these two organizations, although in practice some congregations operated independently. Both the Lao Evangelical Church and the Seventh Day Adventist Church owned properties in Vientiane and other cities.

Although the Government generally permitted major religious festivals of established congregations without hindrance, local officials have restricted the celebration of major Christian holidays by some congregations. Several Protestant congregations in remote areas of Vientiane, Luang Prabang, Savannakhet, and Syaboury Provinces were not permitted to celebrate Christmas and Easter holidays during the year, and in some areas officials conducted mandatory political training classes on Sunday, preventing villagers from attending worship services. In December over 20 worshippers at several villages in Savannakhet Province were arrested and detained for several days when they gathered for Christmas services. Authorities charged that the congregations had "assembled unlawfully."

Two mosques and two Baha'i centers operated openly in Vientiane municipality; two other Baha'i centers were located in Vientiane Province and Pakse. Five Mahayana Buddhist pagodas were located in Vientiane, and others were found in larger cities and towns.

Animists generally experienced no interference from the Government in their religious practices, which vary extensively among the approximately 70 identified ethnic groups and tribes in the country. However, the Government actively discouraged animist practices that it regarded as outdated, unhealthful, or illegal, such as the practice in some tribes of infanticide of infants born with birth defects or of keeping the bodies of deceased relatives in homes.

Until recently the Government did not permit the printing of non-Buddhist religious texts or their distribution outside a congregation and restricted the import of foreign religious texts and artifacts. The new Prime Ministerial Decree on Religious Practice, promulgated in July, permits the printing of religious material, providing permission is obtained from the Lao Front for National Construction. The Government requires and usually grants its permission for formal links with coreligionists in other countries; however, in practice the distinction between formal and informal links was unclear, and relations with coreligionists generally were established without much difficulty.

For a more detailed discussion see the 2002 International Religious Freedom Report.

#### d. Freedom of Movement Within the Country, Foreign Travel, Migration, and Repatriation

The Constitution provides for these rights; however, the Government restricted some of them in practice. Citizens who travel across provincial borders no longer are required to report to authorities upon their departure and arrival. However, in designated security zones, roadblocks and identity card checks of travelers were conducted occasionally. Citizens who seek to travel abroad are required to apply for an exit visa. The Government usually granted such visas; however, officials at the local level have denied permission to apply for passports and exit visas to some persons seeking to emigrate, and in the case of one foreign individual deported for marrying a citizen without prior permission, government officials were adamant that they would not issue an exit visa for his wife or their dual national infant child (see Section 1.f.). Access by foreigners to certain areas, such as the Saysomboune Special Zone, an administrative area operated by the military forces, is restricted for safety and security reasons.

There were no reports that security forces in villages where churches had been closed stopped large vehicles carrying multiple passengers during Sunday worship hours in order to prevent villagers from traveling to attend worship services, as had occurred in the past (see Section 2.c.).

Although bandit and insurgent attacks on road traffic in northern Laos have occurred in the past, no such attacks were known to have occurred during the year.

Since 1980 more than 29,000 citizens who sought refugee status in Thailand, China, and other countries have returned to Laos for permanent resettlement under monitoring by the U.N. High Commissioner for Refugees (UNHCR). These returnees generally have been subject to more suspicion and scrutiny by the authorities than other citizens. Nevertheless, many who fled after the change of government in 1975 have visited relatives, some have stayed and gained foreign resident status, and some successfully have reclaimed citizenship. A small group, tried in absentia in 1975 for antigovernment activities, does not have the right of return (see Section 1.d.).

The Constitution provides for asylum and the protection of stateless persons under the law. In practice, the Government did not provide first asylum and generally did not cooperate with the UNHCR or other U.N. offices in such cases.

Eight lowland Lao men who returned from China in 1997 were detained without trial. One was released in 2001, but the seven others remained in detention at year's end.

Some refugee returnees carried government-issued identification cards with distinctive markings, ostensibly for use by authorities. Such cards tended to reinforce a pattern of societal discrimination against the returnees.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. The Constitution provides for a representative National Assembly, elected every 5 years in open, multiple-candidate, fairly tabulated elections, with voting by secret ballot and universal adult suffrage; however, it legitimizes only a single party, the LPRP. Election committees, appointed by the National Assembly, must approve all candidates for local and national elections. Candidates need not be LPRP members, but in practice almost all were.

The National Assembly chooses a standing committee generally based on the previous standing committee's recommendation. Upon the committee's recommendation, the National Assembly elects or removes the President and Vice President. The standing committee also has supervision of administrative and judicial organizations, and the sole power to recommend presidential decrees. It also appoints the National Election Committee, which has powers over elections (including approval of candidates). Activities of the standing committee are not fully transparent.

The National Assembly, upon the President's recommendation, elects the Prime Minister and other Ministers in the Government. The 109-member National Assembly, elected in February under a system of universal suffrage, approved the LPRP's selection of the President at its inaugural session in April, and in the same session it ratified the President's selection of a new Prime Minister and cabinet. The National Assembly may consider and amend draft legislation, but only permanent subcommittees of the Assembly may propose new laws. The Constitution gives the right to submit draft legislation to the National Assembly standing committee and the ruling executive structure.

Women increased their representation in the National Assembly in the 2002 elections from 20 to 22 members in the 109-member body. Three members of the 53-member LPRP Central Committee were women, one of whom was also a member of the 7-member standing committee in the National Assembly. There were no women in the Politburo or the Council of Ministers. The number of ethnic minority members in the 109-member National Assembly—9 Lao Soung (highland dwelling tribes) and 19 Lao Theung (mid-slope dwelling tribes)—was slightly less than in the previous national assembly; most members of the Assembly were ethnic Lao, who also dominated the upper echelons of the Party and Government. Three cabinet ministers were members of ethnic minority groups.

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no domestic nongovernmental human rights organizations, and the Government does not have a formal procedure for registration. Any organization wishing to investigate and publicly criticize the Government's human rights policies would face serious obstacles if it were permitted to operate at all.

The Government in general did not respond to requests for information on the human rights situation from international human rights organizations.

The Government maintained contacts with the International Committee of the Red Cross (ICRC); government officials received ICRC training on human rights law in 1998, and the Government continues to translate international human rights and humanitarian law conventions with ICRC support. The Government permitted U.N. human rights observers to monitor the treatment of almost 30,000 returned refugees in all parts of the country with minimal interference (see Section 2.d.). The UNHCR's Lao office closed at the end of 2001, with the Commission's determination that the office's monitoring role had been completed and former refugees had been successfully reintegrated.

A human rights unit in the Ministry of Foreign Affairs' Department of International Treaties and Legal Affairs has responsibility for inquiry into allegations of human rights violations. This government unit rarely responds to inquiries regarding individual cases. In 2000 it published a partial compilation of international conventions on human rights in Lao.



## Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equal treatment under the law for all citizens without regard to sex, social status, education, faith, or ethnicity. Although the Government at times took action when well-documented and obvious cases of discrimination came to the attention of high-level officials, the legal mechanism whereby a citizen may bring charges of discrimination against an individual or organization is neither well developed nor widely understood among the general population.

### Women

There were reports that domestic violence against women occurred, although it was not widespread. Spousal abuse is illegal. Rape reportedly was rare. In cases of rape that were tried in court, defendants generally were convicted with penalties ranging from 3-years' imprisonment to execution. Spousal rape is not illegal.

Trafficking in women and girls for prostitution was a problem (see Section 6.f.). Prostitution is illegal with penalties ranging from 3 months to 1 year in prison.

Sexual harassment was rare. Although sexual harassment is not illegal, "indecent sexual behavior" toward another person is illegal and punishable by 6 months' to 3 years' imprisonment.

The Constitution provides for equal rights for women, and the Lao Women's Union operated nationally to promote the position of women in society. The Family Code prohibits legal discrimination in marriage and inheritance. Discrimination against women is not generalized; however, varying degrees of traditional, culturally based discrimination persisted, with greater discrimination practiced by some hill tribes. Many women occupied responsible positions in the civil service and private business, and in urban areas their incomes were often higher than those of men.

In recent years, the Government increased support for development programs designed to improve the position of women in society, including in the political system.

### Children

The level of budgetary support for education was very low. Education was free and compulsory through the fifth grade; however, fees for books, uniforms, and equipment, among other things, precluded children from rural areas and poor urban families from complying with this requirement. According to government statistics, 80 percent of primary school age children, 50 percent of junior high school age children, and 25 percent of high school age children were enrolled in school; the U.N. Development Program estimated that almost 40 percent of children never attended school at all and only 10 percent entered secondary school. There were significant difference in the treatment of boys and girls in the educational system: Female literacy was 48 percent versus 70 percent for males. However, men and women attended the three universities in approximately equal numbers. Although the Government has made children's education and health care a priority in its economic planning, funding for children's basic health and educational needs was inadequate, and the country had a very high rate of infant and child mortality.

Violence against children is prohibited by law, and violators are subject to stiff punishments. Reports of the physical abuse of children were rare. Trafficking in girls for prostitution and forced labor was a problem (see Section 6.f.). Other forms of child labor generally were confined to family farms and enterprises (see Section 6.d.).

### Persons with Disabilities

With donor assistance, the Government was implementing limited programs for persons with disabilities, especially amputees. The law does not mandate accessibility to buildings or government services for persons with disabilities, but the Labor and Social Welfare Ministry has established some regulations regarding building access and some sidewalk ramps in Vientiane. The Lao National Commission for the Disabled (LNCD) has promulgated regulations to protect the rights of persons with disabilities. In 2000 the Lao Disabled Persons Association set up offices in Champassak and Xieng Khouang Provinces to assist with the rehabilitation, job skills training, and social integration of persons with disabilities. Also in 2000, in Vientiane the LNCD hosted a regional conference on disabilities to promote leadership and organizational skills for persons with disabilities.

### National/Racial/Ethnic Minorities

The Constitution provides for equal rights for all minority citizens, and there is no legal discrimination against them. However, societal discrimination persisted.

Approximately half the population is ethnic Lao, also called "lowland Lao." Most of the remainder is a mixture of diverse upland hill tribes whose members, if born in the country, are citizens. There are also ethnic Vietnamese and Chinese minorities, and a small community of South Asian origin, particularly in the towns. The Law on Nationality provides a means for foreigners to acquire citizenship; more than 100 persons, mostly Vietnamese and Chinese, became citizens during the year. The Government encouraged the preservation of minority cultures and traditions; however, due to their remote location and

inaccessibility, minority tribes had little voice in government decisions affecting their lands and the allocation of natural resources.

The Hmong are one of the largest and most prominent highland minority groups. There were a number of Hmong officials in the senior ranks of the Government and LPRP, including at least five members of the LPRP Central Committee. However, societal discrimination against the Hmong continued. In recent years, the Government focused some limited assistance projects in Hmong areas in order to address regional and ethnic disparities in income. Some international observers claimed that governmental policies aimed at assimilating the Hmong into the larger society--such as regional boarding schools--were not respectful of Hmong native culture; others saw this approach as an escape from centuries of poverty.

Unlike in past years, there were no reports of government forces mistreating Hmong suspected of harboring insurgents (see Sections 1.a. and 1.c.).

During the year, the Government continued to assist citizens, largely members of ethnic minorities, who returned to the country after having fled in 1975. Central and local government officials worked with organizations such as the UNHCR to provide land and a sustainable level of economic security. Repatriated Hmong at times faced greater discrimination than those Hmong who remained. In 1999 and 2000, a number of Hmong returnees were forced to renounce their Christian faith, and the authorities closed one church in a returnee village. However, this church was later allowed to reopen. During the past 2 years, international observers who monitored repatriation efforts reported no significant human rights violations.

The Constitution states that foreigners and stateless persons are protected by "provisions of the laws," but in practice they did not enjoy the rights provided for by the Constitution. Unlike in previous years, there were no reports of cases of foreigners of Hmong ethnicity who were arrested or detained and suffered discrimination because of their ethnicity.

## Section 6 Worker Rights

### a. The Right of Association

Under the law, labor unions may be formed in private enterprises as long as they operate within the framework of the officially sanctioned Federation of Lao Trade Unions (FLTU), which in turn is controlled by the LPRP. Most of the FLTU's approximately 77,000 members worked in the public sector.

The State employed the majority of salaried workers, although this situation was changing as the Government privatized state enterprises and otherwise reduced the number of its employees. Subsistence farmers made up an estimated 85 percent of the work force.

With advice from the International Labor Organization (ILO), including a foreign expert provided by the ILO to work with the Ministry of Labor and Social Welfare, the Government in 1994 revised the Labor Code in an effort to clarify the rights and obligations of workers and employers. However, the 2001 Report of the ILO Committee of Experts cited the Government for its failure to submit reports on ratified conventions required of member states. Furthermore, the Government has not replied to comments from the Committee from 7 years ago.

The FLTU is free to engage in contacts with foreign labor organizations, which during the year included contacts with the Association of Southeast Asian Nations Trade Unions and the Asia-Pacific American Labor Alliance. The FLTU was a member of the World Federation of Trade Unions.

### b. The Right to Organize and Bargain Collectively

There is no right to organize and bargain collectively. The Labor Code stipulates that disputes be resolved through workplace committees composed of employers, representatives of the local labor union, and representatives of the FLTU, with final authority residing in the Ministry of Labor and Social Welfare. Labor disputes reportedly were infrequent. The Government sets wages and salaries for government employees, while management sets wages and salaries for private business employees.

Strikes are not prohibited by law, but the Government's ban on subversive activities or destabilizing demonstrations (see Section 2.b.) makes a strike unlikely, and none were reported during the year. However, the Labor Code does not prohibit temporary work stoppages.

The Labor Code stipulates that employers may not fire employees for conducting trade union activities, for lodging complaints against employers about labor law implementation, or for cooperating with officials on labor law implementation and labor disputes. Workplace committees were one mechanism used for resolving complaints.

There were no export processing zones. A law to establish a special economic zone in Savannakhet Province was under consideration.

#### c. Prohibition of Forced or Bonded Labor

The Labor Code prohibits forced labor except in time of war or national disaster, during which time the State may conscript laborers. The Code also prohibits forced or bonded labor by children under age 15, and generally this was enforced effectively.

#### d. Status of Child Labor Practices and Minimum Age for Employment

Under the Labor Code, Children under age 15 may not be recruited for employment, except to work for their families, provided that such children are not engaged in dangerous or difficult work. Many children helped their families on farms or in shops. Child labor was rare in industrial enterprises. The Ministries of Public Security and Justice are responsible for enforcing these provisions, but enforcement was ineffective due to a lack of inspectors and other resources. Some garment factories reportedly employed a very small number of underage girls. The Government has not ratified ILO Convention 182 against the worst forms of child labor.

#### e. Acceptable Conditions of Work

The Labor Code provides for a workweek limited to 48 hours (36 hours for employment in dangerous activities). The Code also provides for at least 1 day of rest per week. The daily minimum wage was about \$0.40 (4,000 kip), which was insufficient to provide a decent standard of living for a worker and family. Most civil servants received inadequate pay. However, few families in the wage economy depended on only one member for income. Some piecework employees, especially on construction sites, earned less than the minimum wage.

The Labor Code provides for safe working conditions and higher compensation for dangerous work. Employers are responsible for all expenses for a worker injured or killed on the job, a requirement generally fulfilled by employers in the formal economic sector. The Labor Code also mandates extensive employer responsibility for those disabled while at work. During the year, this law was enforced adequately. Although workplace inspections reportedly have increased over the past several years, the Ministry of Labor and Social Welfare lacked the personnel and budgetary resources to enforce the Labor Code effectively. The Labor Code has no specific provision allowing workers to remove themselves from a dangerous situation without jeopardizing their employment.

There were a number of illegal immigrants in the country, particularly from Vietnam and China, and they were vulnerable to exploitation by employers. Some illegal immigrant Vietnamese children worked selling goods on the streets of Vientiane.

#### f. Trafficking in Persons

The Penal Code prohibits abduction and trade in persons as well as the constraint, procuring, and prostitution of persons; however, trafficking in persons, particularly women and children, was a problem. Laos was primarily a country of origin for trafficking in persons and to a lesser extent, a transit country. Although there was no reliable data available on the scope and severity of the problem, rough estimates indicated that from 15,000 to 20,000 Lao girls and young women were trafficked annually for purposes of prostitution mostly to Thailand; a small number were trafficked to China and to the United States. Some young men were also victims. As many as 100,000 citizens annually traveled to Thailand to participate in seasonal agricultural labor and some urban labor; many of these citizens were illegally in Thailand and vulnerable to exploitation and some were trafficked only after their arrival in Thailand. A much smaller number of foreign nationals transited through Laos, including Burmese to China and Thailand, and Vietnamese to Thailand. In recent years, highland minority women from the interior of the country had become the group most vulnerable to traffickers.

Labor recruiters in the country usually were citizens with experience in cross-border labor and, for the most part, with no connection to organized crime, commercial sexual exploitation, or the practice of involuntary servitude. They simply may be assisting fellow villagers.

There were no reports of official involvement in trafficking; however, anecdotal evidence suggested that local officials knew of trafficking activities and a very few profited from them.

In the past, the Government has prosecuted some persons for involvement in such trafficking activities.

The Ministry of Labor and Social Welfare (MLSW) has a five-person unit devoted to children with special needs, including protection from and prevention of trafficking. However, the unit's effectiveness was limited by a small budget, inadequate international assistance, and a lack of trained personnel. The MLSW and the Lao Women's Union have conducted pilot studies on antitrafficking information campaigns. Due to financial constraints the Government has conducted only limited campaigns in a few border towns.

The Government has increased monitoring and educational programs provided by the Lao Women's Union and the Youth Union, both party-sanctioned organizations, designed to educate girls and young women regarding the schemes of recruiters for brothels and sweatshops in neighboring countries and elsewhere.

Some victims were punished for improper documentation or for crossing the border illegally. The victims had no recourse to relief. Some local authorities have ordered trafficking victims into reeducation seminars and subjected them to substantial fines. The Government remained concerned about children being lured into sexual exploitation and slave labor in other countries, but the Government denied that there were any problems in the country that involved child prostitution. The National Commission for Mothers and Children, established in 1992 and chaired by the Foreign Minister, continues an active program with support from UNICEF.